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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,535	08/04/2005	Takashi Ishida	2004_2019A	2534
52349 7590 07/11/2007 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER PHAM, VAN T	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/519,535

Applicant(s)

ISHIDA ET AL.

Examiner

VAN T. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/18/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/2007 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 5/21/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Toshiyuki fails to disclose or suggest the recording of the new recording/reproducing condition 521a in a new drive information field along with information from an immediately proceeding drive information **field** as would be necessary for Toshiyuki to disclose the above-discussed feature of claim 1. Instead, Toshiyuki discloses that the first and second drive information fields 502a and 502b are used repeatedly by overwriting the recording/reproducing conditions 521a. There is no disclosure or suggestion of storing recording/reproducing conditions 521a in a new drive information **field**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1 recites "new drive-specific information" not "new specific-information **field**".

Applicant's asserted "Toshiyuki discloses that the first and second drive information fields 502a and 502b are redundant, i.e., *hold the same recording/reproducing conditions 521a*; and when a new recording/reproducing condition 521a is to be stored in the first and second drive information fields 502a and 502b, a previous recording/reproducing condition 521a is overwritten with the **new** recording/reproducing condition 521a in both of the first and second drive information fields 502a and 502b. Further, in the rejection, it is apparent that the first and second drive information fields 502a and 502b are relied upon as corresponding to the claimed clusters and the portions of the first and second drive information fields 502a and 502b to which the recording/reproducing conditions 521a are stored are relied upon as corresponding to the claimed sectors. However, claim 1 recites that the plural records of drive-specific information are arranged in an order in which the plural records were recorded with a last-recorded record of the plural records of drive-specific information located in a first sector of a current cluster following a last sector of a previous cluster, wherein the new drive-specific information is newly recorded to a first sector in a new cluster, and information from all sectors except a last sector in an immediately proceeding cluster is newly recorded to sectors following the first sector in the new cluster.", which is incorrect. *Toshiyuki discloses* updated drive information, which is not the same as the previous information. Therefore, it is a new specific-information. Claims does not recite new specific information area or field.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a .patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima Toshiyuki (JP 2000-322818).

Regarding claim 1, Fukushima discloses an optical disc comprising:

a data recording area for recording data (see Fig. 1 (105)); and

a drive information area for recording drive-specific information (see Fig. 5), wherein:

the drive information area comprises a plurality of clusters (see Figs. 5-7),

each cluster comprises a plurality of sectors (see Fig. 5),

each sector has capacity for storing one record of drive-specific information (see Figs. 1-7),

the plural records of drive-specific information are arranged in an order in which the plural records were recorded with a last-recorded record of the plural records of drive-specific information located in a first sector of a current cluster following a last sector of a previous cluster (see [0014]-[0015] and Figs. 1-7),

new drive-specific information is newly recorded to a first sector in a new cluster (see Fig. 6), and

information from all sectors except a last sector in an immediately preceding cluster is newly recorded to sectors following the first sector in the new cluster (see Fig. 6 and response above).

Regarding claim 3, see Figs. 1-7, discloses an optical disc as described in claim 1, wherein the drive-specific information includes at least a manufacturer identifier for identifying a

manufacturer of an optical disc drive, a drive identifier of the optical disc drive, and recording/playback conditions including a required laser power level (see [0073]-[0077]).

Regarding claims 7 and 9, see rejection above of claim 1.

Regarding claim 11, an optical disc as described in claim 3, wherein the drive identifier is a serial number of the optical disc (see Fig. 6).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima Toshiyuki (JP 2000-322818) in view of Yamagami et al. (US 6,256,282).

Regarding claim 4, Fukushima, see Figs. 1-7, discloses an optical disc as described in claim 1, discloses an information recording medium 101 (see Fig. 1) and read by a read beam incident thereto from the same side (see Fig. 8), wherein has a drive information area for recording drive-specific information (see Fig. 4).

Yamagami, see cols. 5-6, discloses an optical disc comprising at least a first recording layer and a second recording layer each read by a read beam incident thereto from the same side, and the area in the second recording layer at the same radial position of layer 1.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an optical disc comprising at least a first recording layer and a

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second recording layer in Fukushima as suggested by Yamagami, the motivation being in order to have larger recording capacity (see Yamagami col. 5).

***Cited References***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to recording or reproducing method and partial erase processing method (Ando et al. US 2001/0014070).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number 571-272-7590. The examiner can normally be reached on Monday-Friday from 9:00am –5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER